

UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF  
MICHIGAN  
SOUTHERN DIVISIONFILED 3  
JUN 07 2023CLERK'S OFFICE  
DETROIT

United States of America  
v.  
Jack Eugene Carpenter III  
Defendant

Case No: 2:23-CR-20152  
Hon. Mark A Goldsmith

Brief in Support of Motion to squash the Indictment  
For lack of Subject matter jurisdiction for no commerce  
nexus

To further show that the federal government is using the commerce clause in a manner consistent with police power as a public safety measure and not to "regulate commerce amongst the states", the indictment alleges a "Hate crime motivation" using the word "crime" in the allegation while charging that "any property that constitutes or is derived from proceeds traceable to the offense" must be forfeit. Since no commercial action occurs during any point of posting a free tweet from a free account on a database on someone's server there is no fee to access, no "crime" related from even the most stretched logic could have been committed in or affecting commerce. The federal government is clearly using the commerce clause to create a police power to regulate private conduct. No "proceeds" were gained in an act utterly void of commerce, thus nothing can be forfeit by the alleged act.

It is clear to even those who do not practice law or fully understand the balance of jurisdictional power between the state and federal government that the federal government is increasingly stretching the commerce clause to blatant absurdity, while the courts seem desperate to find some way to stretch logic to the extremes to accommodate this abuse of power. It is the role of the judiciary to detect this type of deceit and reject it, not treat the American Public like they are stupid, and aid this breach of public trust. So far they seem unwilling to do so. One of the numerous reasons that I decided that activating the clause in the Michigan Constitution to create a new government I felt was better designed to preserve my rights was necessary. It has become a nation of men, not laws, and those in positions of power to repair this damage are unwilling to act

in accordance with the oath they take.

In discussing the motion that challenges the commerce nexus with counsel they said: "You are absolutely right, they are creating a police power. I see it all the time where the state hands it off to the federal government..." Then tried to explain that I am wasting my time because the court will ignore the law. Then we all had a chuckle about my comment regarding the courts "Stretch Armstrong logic" to pretend they aren't abusing the law. It fools no one. How can those who administer the government expect people to follow the law when the courts don't?

"Hate Crime Motivation", I can't wait to read the ruling explaining how this isn't criminal law, it's a commercial regulation. They use the word "crime" in the allegation. Just slapping the words "interstate or foreign commerce" on a public safety law, then using absurd logic to apply it to non-commercial activity. If convicted the only thing that can occur from this enhancement is the enhancement of the sentence, since there are no "proceeds" to forfeit, because there was no commerce. These are criminal statutes. But if we are going to pretend they are not, they are being applied as such in my case. From the complaint that lists several unrelated facts that were clearly included to convince the judge that I was a risk to public safety, all misrepresented facts the FBI should have known were not accurate reflections of reality had they done their due diligence, it's pretty clear even the FBI doesn't understand this isn't a criminal statute. Or they do, and they know the judiciary won't call them out for abusing the commerce clause, which is likely the case.

I have to simply laugh at this situation. I am sitting here writing a motion in regards to the lack of subject matter jurisdiction where my counsel says my argument is legally valid, but the courts will likely rule improperly as they consistently do on this subject, while I await a court date to find out if the judiciary thinks I can participate in my own defense because the prosecution wants to discredit me and my legal arguments, but defense counsel feels I understand enough to proceed pro se with stand by counsel if I choose to do so.

I hope under the circumstances the judiciary can understand my sarcasm and disdain that is apparent in my words. This is kind of a joke.

Jack Carpenter

NAME

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REG. NO.

FEDERAL CORRECTIONAL INSTITUTION

P.O. BOX 1000

MILAN, MICHIGAN 48160

METROPLEX MI 480

26 MAY 2023 PM 2 L

Clerk of the court of

Hon. Mack A Goldsmith

Theodore Levin US courthouse

231 West Lafayette blvd. 5<sup>th</sup> floor

Detroit, MI 48226

48226-277758

